

Remarks/Arguments

Reconsideration of the above-mentioned application is respectfully requested. Confirming the undersigned's telephone conference with the Examiner on September 19, 2003, applicant elects to prosecute claims 1-21 (Group I) in this application.

It is believed that the above amendments to the specification and claims have overcome the objections and the §112 rejection raised in the Office Action.

Claims 1, 2, 13, 14 and 21 were rejected as being unpatentable over Levitt et al '286 in view of Meadow et al '077, Smith III et al '261 and Streeter et al '453. This rejection is respectfully traversed.

The Examiner is requested to review the declaration submitted by the inventor, Douglas C. Arndt ("Arndt") in support of the patentability of the claimed invention.

With respect to claims 1 and 13 the Office Action stated that Levitt et al discloses a two nonpermeable strip disposable applicator (packet) in which the first strip has an inkless fingerprint composition thereon while Meadows et al teaches a disposable applicator with an inkless fingerprint composition thereon with an absence of the composition on the perimeter of the strips. According to the Office Action modifying the Levitt et al packet by leaving an uncoated perimeter and providing side seams would result in the invention called for in claims 1 and 13 with the exception of the requirement that the inkless composition be semi-solid at ambient temperature and that such a composition is taught in the Smith III et al '012 patent and/or the Streeter et al patent.

First, as is noted in the Arndt declaration, the Levitt et al packet contains ink not a semisolid inkless reagent and the bottom sheet 11 of Levitt et al is necessarily absorbent to retain the negative image of the fingerprint. The sheet 11 is not nonpermeable. (Arndt Decl. ¶¶ 8,9)

While Meadows et al teaches a porous pad (or towelette) containing a metal salt solution encapsulated within a waterproof envelope having a border, it does not teach or suggest sandwiching a semisolid inkless fingerprint composition between two nonpermeable foil strips. As noted by Arndt the Meadows et al disposable applicator is quite expensive to manufacture as compared with the claimed invention. (Arndt Decl. ¶¶ 6, 10)

The Smith III et al patent teaches the use of a liquid developer and a liquid reagent solution (12:65-68) would is not semisolid at room temperature. Such a liquid would not be compatible with an applicator formed by two nonpermeable foil strips. (Arndt Decl. ¶ 11)

The Streeter et al reference teaches the use of an absorbent pad 20 for containing an inkless fingerprint composition supplied in kit form by Identicator. The composition supplied by Identicator was a liquid (not a gel) having about the same viscosity as that disclosed in the Smith III et al patent. (Arndt Decl. ¶. 3g)

Notwithstanding Streeter et al's mistaken reference to the Identicator liquid inkless reagent as a gel there is no teaching in the reference of how one would make a semisolid inkless composition or that it would be desirable to sandwich such a composition between two nonpermeable strips to provide a very inexpensive and disposable inkless fingerprint composition/applicator.

There is no teaching, suggestion or motivation for one of ordinary skill in the art to combine the teachings of the cited references and in any event the combination would not result in the claimed invention.

None of the references teach an inkless composition sandwiched between two nonpermeable foil strips. (Arndt Decl. ¶ 12) Independent claims 1 and 13 are patentable over the cited references.

Claims 2 and 21 are patentable over the cited art for the above reasons notwithstanding Meadows et al disclosure of a 1/16" boarder.

With respect to claim 14 the Levitt et al sheet 11 is permeable (not nonpermeable) to retain the ink forming the negative image of the fingerprint as discussed previously. To place a Mylar outer layer (per Meadows et al) over the foil cover 17 and absorbent sheet 11 of Levitt et al would not result in the claimed invention. Claim 14 is patentable.

Claims 3-7, 9, 15-17 and 19 are dependent upon the patentable independent claims, i.e., claims 1 and 13 and include additional limitations further distinguishing the claimed subject from the cited art. These claims are also patentable.

With respect to claims 4, 7 and 17 the composition disclosed in Smith et al '012 is a liquid, not a semisolid and would not function in the claimed invention. Claims 4, 7 and 17 are allowable.

With respect to claims 9 and 19 the Smith III et al developer composition is a liquid at room temperature, not a semisolid. Claims 9 and 19 are patentable.

With respect to claim 3 the Smith III et al composition is a liquid at room temperature and not suitable for use with the claimed invention. The Smith III et al apparatus uses resilient foam pads to stamp inkless reagents onto paper. There would be no need to heat the liquid to impregnate it into such foam pads. Indeed it is not seen why one would use the Smith III dispensing foam pad with a semisolid composition. Claim 3 is patentable.

With respect to claims 8 and 18 the non-volatile carrier disclosed in Arndt '292, i.e., fatty alcohols, etc., would not be compatible with the Smith III et al fingerprint composition, i.e., would not dissolve the metallic salts. (Arndt Decl. ¶13) A Skilled artisan would not make the substitution proposed in the Office Action and even with the substitution he or she would not end up with the

claimed invention. Claims 8 and 9 are in condition for allowance.

Claims 10-12 and 20 are now dependent upon allowable claims and are therefore allowable.

The remaining references cited in the Office Action are not considered relevant to the allowability of the claims presently in this application.

Applicant has made a significant contribution to the fingerprinting art and is entitled to the protection afforded by the subject claims.

This application is now believed to be in condition for allowance and such action is courteously solicited. If applicant's attorney can be of any further assistance, please call the undersigned at the number provided.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 18, 2003.


Harold L. Jackson December 18, 2003